



Entered on Docket
March 03, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,¹

USA Capital Diversified Trust Deed Fund, LLC,

USA Capital First Trust Deed Fund, LLC,²

USA Securities, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING EIGHTH
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE
ROAM DEVELOPMENT GROUP,
LP LOAN**

Hearing Date: February 20, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Eighth Omnibus
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon
3 Investment in the Roam Development Group, LP Loan (the "Objection") [DE 6716].
4 Adequate notice of the Objection was given. The Court heard the Objection on February
5 20, 2009. No responses were filed to the Objection and no opposition was raised at the
6 hearing. Good cause appearing,

7 IT IS ORDERED:

- 8
- 9 • Sustaining the Objection;
 - 10 • The Proofs of Claim listed on Exhibit A attached are allowed to the extent
11 Exhibit A shows there was "unremitted principal" arising out of the Roam
12 Development Group, LP Loan that was owed to the claimant.
 - 13 • The Proofs of Claim listed on Exhibit A attached are disallowed to the extent
14 they were based upon an investment in the Roam Development Group, LP Loan
15 that was repaid to the claimant.
 - 16 • The Proofs of Claim listed in Exhibit A are not affected by this order to the
17 extent they are based upon an investment in a loan(s) other than the Roam
18 Development Group, LP Loan;
 - 19 • Reserving the right of any party in interest, including the USACM Trust, to
20 further object to the Proofs of Claim listed on Exhibit A attached.

21 ###

22 PREPARED AND SUBMITTED:

23 **LEWIS AND ROCA LLP**

24 By: /s/ John Hinderaker (#18024)
25 Rob Charles
26 John Hinderaker
Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ John Hinderaker (#18024)
Rob Charles
John Hinderaker
Attorneys for USACM Liquidating Trust

**ROAM DEVELOPMENT LOAN
EIGHTH OMNIBUS OBJECTION**

**EXHIBIT A
Multiple Loan Claims**

Claim	Name	Address	Total Claim Amount	Total Claim Amount Relating to Roam Development Loan	Unremitted Principal to be Allowed as a Claim	Approximate Amount Subject to Objection
10725-01878	Dennis Raggi	P.O. Box 10475 Zephyr Cove, NV 89448	\$10,451.54	Proof of claim unclear	\$0	Total amount related to Roam Development Loan
10725-02226	Dennis Raggi	P.O. Box 10475 Zephyr Cove, NV 89448	\$4,884,068.70	\$400,000.00	\$0	\$400,000.00
10725-01910	Rebecca A. Rogers Trust Dtd 9/18/96	Rebecca A. Rogers Trustee 2309 Sierra Heights Dr. Las Vegas, NV 89134	\$274,442.59	\$50,000.00	\$631.36	\$49,368.64
10725-02401	Jean G. Richards Trust Dtd 9/30/99	Jean G. Richards Ttee 1160 Magnolia Ln Lincoln, CA 95648	\$156,596.03	\$50,000.00	\$631.36	\$49,368.64
10725-02281	Roisentul Family Trust	Saul and Ilene Roisentul Trustees 74075 Kokopelli Cir Palm Desert, CA 92211-2075	\$420,268.16	\$50,000.00	\$631.36	\$49,368.64
10725-01419	S&P Davis Limited Partnership	737 Bannerman Lane Fort Mill, SC 29715	\$419,981.00	\$25,000.00	\$0	\$25,000.00
10725-02218	Sanchez Living Trust Dtd 10/13/03	Randy M. and Sharon Sanchez Ttees 5713 N. White Sands Rd. Reno, NV 89511	\$277,066.49	\$60,000.00	\$757.63	\$59,242.37
10725-02149	Schnitzer Living Trust Dtd 10/24/91	Arthur F. and Linn S. Schnitzer Ttees 20155 NE 38th Ct, #1604 Aventura, FL 33180	\$1,774,903.40	\$100,000.00	\$1,262.72	\$98,737.28
10725-02329	Marion C. Sharp Trust	c/o Marion C. Sharp Trustee 20 Leroy Ter New Haven, CT 06512-3114	\$7,500.00	Proof of claim unclear	\$947.04	Total amount related to Roam Development Loan
10725-00548	Michael Shuler	3095 Jenny Drive Prescott, AZ 86305-4189	\$239,932.00	\$69,309.00	\$883.90	\$68,425.10